EPA Region III

Office of Public Affairs

EARLY BIRD HEADLINES

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*** MORNING HOT LIST ***

Groups ask Corbett to kill policy on Pennsylvania pollution by drilling

PITTSBURGH POST GAZETTE Fourteen environmental organizations have asked Gov. Tom Corbett to reverse a recent state policy change that puts decisions about water contamination complaints related to Marcellus Shale drilling in the hands of the department's top administrators instead of water scientists. According to the groups, the state Department of Environmental Protection review policy, instituted in mid-September but never announced or reviewed publicly by the department, "would delay warning the public of water pollution from oil and gas development" and make field inspectors reluctant to report such findings. "When water samples are polluted, the public should be warned immediately so affected residents can take steps to protect themselves," Deborah Goldberg, managing attorney at Earthjustice, an environmental law organization, said Tuesday. "They should not have to wait until after the news has passed through several layers of bureaucracy and political interference." Although sources say it adds an extra layer of review and approval by top department administrators for contamination determination letters, spokesmen from the governor's office and the DEP said the policy change will not delay notification of homeowners about well water contamination. Both cited a \$1.1 million penalty assessed in May 2011 against Chesapeake Energy for a 2009 well water contamination incident and a fire, as proof the administration is committed to enforcing environmental regulations. "We provide homeowners with sample results as we get them and are in continuous communication throughout our investigations, said Kevin Sunday, a DEP spokesman. "These communications occur well in advance of any determination DEP may make so that homeowners are always aware of the quality of their water. We respond to every complaint we receive and, when warranted, conduct a full investigation." But a Sept. 14 email sent by Scott Perry, deputy secretary of DEP's Office of Oil and Gas Management, told field offices to send only positive water contamination reports to Harrisburg for review by top department officials "prior to issuing any water supply impact determination letter."

Attorney files C8 injury cases

PARKERSBURG NEWS AND SENTINEL CHARLESTON - The first three West Virginia lawsuits have been filed in Wood County Circuit Court against DuPont alleging personal injury and, in one case, a death allegedly linked to C8 exposure. An independent three-member science panel of epidemiologists was appointed to determine whether there is a probable link between C8 exposure and disease as part of the settlement in a class-action lawsuit brought by residents and former residents of six affected water districts against DuPont Washington Works. DuPont discharged C8 from its plant. The affected water districts that were part of the class-action suit are Little Hocking, Belpre, Lubeck, Tuppers Plains, Pomeroy and Mason County. Also known as perfluorooctanoic acid or PFOA, C8 is a man-made chemical used in manufacturing products including nonstick

cookware, protective finishes on carpets and water-resistant clothing. Nearly 70,000 people in the six affected water districts who were part of the lawsuit were tested and had medical histories taken in addition to several other studies including DuPont employees. The two personal injury lawsuits and one wrongful death suit were filed by Charleston attorney Kathy Brown on behalf of individuals who lived in Wood County and surrounding areas. To date, the C8 Science Panel has established probable links between C8 exposure and thyroid disease, ulcerative colitis, kidney cancer, testicular cancer, and pregnancy-induced hypertension. The panel is scheduled to release its final set of findings before the end of this month. The plaintiffs in the three lawsuits are Virginia Morrison who is suing on behalf of her late husband. Separate lawsuits were filed on behalf of Scott Blackwell and Sandra Tennant. The three lawsuits were filed in Wood County Circuit Court on Friday, with DuPont named as the defendant in all civil actions. Blackwell's case has been assigned to Circuit Judge J.D. Beane's court; Tennant's case was assigned to Circuit Judge Robert Waters' division and Morrison's case was assigned to Circuit Judge Jeffrey B. Reed's court. The wrongful death suit was filed by Virginia Morrison on behalf of her husband who reportedly died of injuries related to kidney cancer in 2008. "We lived on DuPont Road for years," Morrison said. "Only this year did we find out that the water we were drinking may have made my husband sick."

Dimock families' appeal of state methane fix ends

SCRANTON TIMES-TRIBUNE A legal challenge to the state's remedies for Dimock Twp.'s methanetainted water supplies ended late last week after an attorney for the protesting families withdrew their appeals. Eleven families appealed the state Department of Environmental Protection's December 2010 settlement with Cabot Oil & Gas Corp., the natural gas driller found responsible for contaminating 18 Dimock water wells with gas. The families argued to the state Environmental Hearing Board that the fix outlined in the settlement - methane-removal systems and payments of between \$50,000 and \$350,000 to the affected homeowners - did not meet the legal standard for permanently restoring or replacing their damaged water supplies. That appeal was later merged with a second one challenging the department's October 2011 decision to allow Cabot to stop delivering replacement water to their homes. Eight of the families withdrew their appeals on Oct. 1 - an expected move because they had recently settled a related federal lawsuit against Cabot that simultaneously resolved their hearing board appeals. The remaining three families "voluntarily" withdrew their appeals on Thursday, according to a notice filed by their lawyer, and Judge Bernard A. Labuskes Jr. issued an order closing the case. But two of those families have not settled the federal lawsuit, in part because they wanted to preserve their right to pursue the Environmental Hearing Board case. One of the affected residents said he was "shocked" to learn that his hearing board appeal was dropped on Thursday and that it had been withdrawn without his consent. "I wanted that case to be heard," Scott Ely said, adding that he plans to write to Judge Labuskes to report that the filing was inaccurate. Tate Kunkle, the families' lawyer who filed the withdrawal notice, said Monday, "We're working diligently to resolve his case." According to the hearing board's rules, it is possible to file a motion to "withdraw' a withdrawal" but it is "unlikely to be granted absent compelling circumstances."

Shore farm pollution blamed on cows

BALTIMORE SUN Perdue witness grilled at trial over assertion chickens not source. Cows, rather than chickens, caused the pollution for which an Eastern Shore farm couple and Perdue are being sued, contends a witness for the Salisbury-based poultry company. Charles Hagedorn, a microbiology professor from Virginia Tech, told a federal judge Monday that a small herd of cattle grazing on Alan and Kristin Hudson's farm near Berlin were the sole source of high levels of bacteria and nutrients found in drainage ditches there. These counts - and they are high - came from the cattle," Hagedorn testified. But a lawyer for the Waterkeeper Alliance pressed Hagedorn to acknowledge that manure blown by large ventilation fans out of the Hudsons' two poultry houses could also have reached the ditches, contributing to the pollution. "Anything is possible," Hagedorn said. "I'm just not convinced it was feasible." Hagedorn's testimony came as the second week began of the trial in U.S. District Court of a lawsuit by the Waterkeeper Alliance accusing the Hudsons' and Perdue of polluting a Chesapeake Bay tributary with runoff from the farm's flock of 80,000 Cornish hens. The environmental group contends the poultry company is also liable because the Hudsons were raising the birds under contract to Perdue and that the company controlled virtually

every aspect of the operation. Perdue's lawyers have denied the compnay controls the Hudsons' farm. They also contend that runoff of cattle manure, which they say was neither illegal or regulated, was the source of the pollution. Hagedorn said that the Hudsons' herd of about 40 adult cows - not counting about 20 calves that court records indicate also were raised there - would have generated about 3,000 pounds of manure a day. Such large quantities of manure - some of it deposited on the banks of a drainage ditch, according to a photo shown in court - had to be the source of the pollution, Hagedorn said. The microbiologist, called by Perdue as an expert witness, contended that he saw no evidence when he visited the Hudsons' farm that would lead him to believe enough manure could have been tracked out of the poultry houses by vehicles or feet, or blown out by the large fans, to foul a nearby drainage ditch. But Jane Barrett, director of the University of Maryland environmental law clinic, which is representing the New York-based environmental group, quizzed Hagedorn about a study that measured about 3 1/2 pounds of dust blown daily from a chicken house with a much smaller flock of birds than the Hudsons'. Under her questioning, he acknowledged that extrapolating the study's findings to the 80,000 birds kept on the Shore farm would suggest up to 10 pounds of dust were being blown out of those houses daily.

Senate bill would ease use of mine water in drilling

WASHINGTON OBSERVER-REPORTER A bill that provides liability protection for natural gas drilling companies using abandoned mine water for hydraulic fracturing has passed the state Senate. Senate Bill 1346, sponsored by Sen. Richard A. Kasunic, D-Fayette County, was approved unanimously last week. According to the state Department of Environmental Protection, acid mine drainage flows out of abandoned mines at a rate of 300 million gallons a day, affecting 5,500 of the state's 86,000 miles of waterways. "It is unquestionably the largest legacy environmental issue we face as a state, so any measure that would support the trust funds and costs of treating the water, while providing a nonfreshwater source for the active drilling industry, is clearly a winwin," said Kevin Sunday, a DEP spokesman. Will Dando, Kasunic's spokesman, said acid mine water is a \$5 billion problem in Pennsylvania. The state, Dando noted, does not have enough money to clean up the problem and needs the help of private investment. However, because the bill was not considered by the House before the Legislature adjourned its session, it will have to be reintroduced after the new year. Although interest in using abandoned mine water by gas extraction companies had been raised previously, the industry feared liability for water beyond that which was needed for hydraulic fracturing. Dando said the industry did not want to be perpetually treating the water. The Senate bill provides those liability protections should the water be used for oil and gas drilling. Natural gas drilling in the Marcellus Shale requires anywhere from 3 million to 5 million gallons of water per well site. Coal mine water is typically acidic and includes total dissolved solids, iron, aluminum, sulfates, manganese and barium. The possibility of using alternative nonfreshwater sources for gas drilling had been recommended in the Governor's Marcellus Shale Advisory Commission's final report in July. Aimee Curtright, who authored a RAND Corp. report, said as the gas industry began recycling its frackwater, it questioned the use of industrial wastewater. But the state's Clean Streams Law discourages use of the water by placing open-ended liability on acid mine water use. The DEP began studying the use of acid mine water last year. It has issued a draft, but its final report has not been released.

Report: 3.5M Gas Jobs by 2035

WHEELING INTELLIGENCER WHEELING - Over the next 23 years, natural gas and oil extraction from shale formations like the Marcellus and Utica could support as many as 3.5 million jobs - and lead to \$5.1 trillion in capital expenditures. So states the report released Tuesday by the American Petroleum Institute, the Institute for 21st Century Energy, the American Chemistry Council and the Natural Gas Supply Association."We've known for some time that shale energy is truly a game-changer for America - and now we can prove it," said Karen Harbert, president and chief executive officer of the energy institute. "This new, comprehensive study demonstrates that shale energy is already contributing over \$200 billion to our economy, with much more to come, if policymakers at all levels of government don't stand in the way," she added. In the natural gas field, jobs can be created for those who search property records to sign landowners to leases; those who drill and frack wells; those who process, transport and market the gas streams that come out of the ground; and those construction workers who build the pipeline networks or gas plants, such as ethane crackers. Moreover, these jobs can lead to additional hiring

by companies that provide supplies to the gas companies; more hiring at hotels, restaurants and department stores; and numerous other drilling-related jobs. "Polls show Americans' top priority is job creation, and the oil and natural gas industry will be a driver for those new jobs, with nearly three quarters of a million new jobs added over just the next three years," said Jack Gerard, president and chief executive officer of the Washington, D.C.-based API. "The study highlights the extraordinary opportunities we have right here at home to develop our unconventional oil and gas resources and return our economy to a pro-growth engine."

SEPTA to repower locomotive engine, reduce fuel consumption and emissions

PLAN PHILLY Residents near Wayne Junction Station will breathe easier thanks to a SEPTA project to replace the outdated diesel engine on a 1950s-era locomotive with a new, fuel-efficient engine and emissions reducing diesel particulate filter [DPF]. The engine replacement, or repower, and DPF could save the locomotive, one of six SEPTA uses for maintenance and repair, as much as 6,278 gallons of fuel annually, as well as cut nitrogen oxide emissions and reduce overall particulate matter [PM] emissions by up to 90 percent. The project received a \$1.2 million Diesel Emissions Reduction Act grant through the Environmental Protection Agency, and could be completed in the summer of 2013. The repower will strip the locomotive almost to chassis level and replace the former engine with two generator set engines, or "GenSet" which turn a generator, and a DPF, an exhaust after-treatment that significantly reduces emissions. The repower will bring the locomotive from Tier 0 EPA emissions standards to Tier 3 off-road vehicle standards. The "GenSet" technology allows more precise control of the engines so that they can be stopped and started as necessary. This allows one engine to be turned off or power to be balanced more efficiently between the two. It also means that if one engine is offline for repairs or maintenance, the locomotive can still run. Bill Jones, of the EPA's Region 3 which includes Pennsylvania, said the difference in air quality will be visible to the naked eye. With a 90 percent PM emissions reduction, "what's coming out of the stack is going to be noticeably different," he said. Each dollar invested in diesel emission reduction yields \$10 to \$20 in benefits, Jones said, and the community around Wayne Junction Station, where this locomotive is primarily kept, will notice those human and environmental health benefits. The repower also has the potential for significant fuel savings. Moving from Tier 0 to Tier 3 has an estimated 40 to 65 percent reduction in fuel consumption. For this locomotive that means an estimated 6.278 gallons in annual fuel savings. Conservative estimates predict the engine will last 10 to 15 years, but Jones said he believes the lifespan will be closer to 15 to 20 years. Given the fuel savings, Jones said projects like this can see a payback in as few as nine years, though he noted this project has the added cost of the DPF. SEPTA received the \$1.2 million DERA grant as part of the FY 2011 grant cycle and initially expected the locomotive to be repowered by mid-2012. Delays in the bidding process have resulted in a project extension. Jones said SEPTA now plans to secure a contract by the end of the calendar year and to complete the repower in the summer of 2013. As more repowers of this kind are done around the country, Jones said, he hopes to see project costs decrease and turnaround times increase. He said he thinks SEPTA will complete more locomotive repowers in the years to come as the project fits into the organization's sustainability efforts. "The more [repowers] we get on the tracks and show that they're working really well, the better."

PENNSYLVANIA

PHILADELPHIA INQUIRER

<u>Commentary: City's rivers need relief</u> With all Philadelphia's waterways officially classified as impaired, we need to use every tool we have to protect our drinking water and clean up our rivers and streams. One such tool is a development buffer around the city's waterways. A buffer of at least 50 feet is important to prevent flooding, filter pollution, and manage storm runoff. Why am I writing about this today? Because it's within City Council's power to protect our waterways with a 50-foot buffer, but some in our ranks may be trying to whittle a proposed buffer down

to 25 feet. Experts say that would be wholly inadequate and would not meet basic water quality goals. (The Pennsylvania Department of Environmental Protection recommends 100-foot buffers on all waterways.) Buffers make economic sense. For every natural buffer not enforced now, the Water Department will have to add costly infrastructure to remove contaminants from drinking water down the road. Buffers also allow for the possibility of recreational trails along our waterways in the future. On any weekend day or afternoon, you'll see thousands of Philadelphians biking, running, or walking in the Schuylkill Banks area and along other trails throughout the city. We should be encouraging more residents to take advantage of the outdoors and reconnect with our priceless waterfronts. The 50-foot buffer was meant to be part of the city's new zoning code, which finally went into effect in August following a four-year reform effort. After a 100-foot setback was originally proposed, a 50-foot compromise was agreed to by developers, environmental advocates, City Council, and the City Planning Commission. Under the compromise, the buffer would not affect existing buildings, and there would be exceptions for industrial, marine, and port-related uses. However, the compromise proposal was taken out of the zoning code right before it went into effect. Two hundred years ago, Philadelphians suffered a yellow fever epidemic that led the city to begin protecting its water supply and preserving open space around it, eventually establishing Fairmount Park. Today, as we face new challenges, we need to reaffirm that commitment by providing buffers of at least 50 feet along all the city's waterways.

PITTSBURGH POST-GAZETTE

Groups ask Corbett to kill policy on Pennsylvania pollution by drilling Fourteen environmental organizations have asked Gov. Tom Corbett to reverse a recent state policy change that puts decisions about water contamination complaints related to Marcellus Shale drilling in the hands of the department's top administrators instead of water scientists. According to the groups, the state Department of Environmental Protection review policy, instituted in mid-September but never announced or reviewed publicly by the department, "would delay warning the public of water pollution from oil and gas development" and make field inspectors reluctant to report such findings. "When water samples are polluted, the public should be warned immediately so affected residents can take steps to protect themselves," Deborah Goldberg, managing attorney at Earthjustice, an environmental law organization, said Tuesday. "They should not have to wait until after the news has passed through several layers of bureaucracy and political interference." Although sources say it adds an extra layer of review and approval by top department administrators for contamination determination letters, spokesmen from the governor's office and the DEP said the policy change will not delay notification of homeowners about well water contamination. Both cited a \$1.1 million penalty assessed in May 2011 against Chesapeake Energy for a 2009 well water contamination incident and a fire, as proof the administration is committed to enforcing environmental regulations. "We provide homeowners with sample results as we get them and are in continuous communication throughout our investigations, said Kevin Sunday, a DEP spokesman. "These communications occur well in advance of any determination DEP may make so that homeowners are always aware of the quality of their water. We respond to every complaint we receive and, when warranted, conduct a full investigation." But a Sept. 14 email sent by Scott Perry, deputy secretary of DEP's Office of Oil and Gas Management, told field offices to send only positive water contamination reports to Harrisburg for review by top department officials "prior to issuing any water supply impact determination letter." Previously, the DEP's water quality specialists in the district field offices would send the contamination determination letters to homeowners based on water test results provided by the department's laboratory.

Pittsburgh Filmmakers exhibits a visual conversation on the impact of Marcellus Shale drilling Gas drilling in Pennsylvania has become a contentious issue that pits perceived winners against losers. A half-dozen accomplished photographers felt the discussion was more nuanced, and they spread out across the state to record the effects of this rapidly expanding industry upon families and communities. The "Marcellus Shale Documentary Project" is the result, comprising a significant book and website, and an exceptional exhibition at Pittsburgh Filmmakers Galleries, where a free public forum will be held from 6 to 8 p.m. Thursday. When London-born Pittsburgh-based project photographer Brian Cohen began to consider documenting Marcellus Shale activity, it "very, very quickly became apparent it wasn't something one person could cover adequately," he said. He approached Laura Domencic, director of the Pittsburgh Center for the Arts, with his idea in February 2011, and the organization quickly saw its worth. "The subject resonates nationally," Ms. Domencic said, "and how it can change the region is so important. The

documentary style and artist participation are right up our alley. Besides documentation, the project's about helping to facilitate a meaningful conversation within the community instead of sound bites." They applied for and received a Sprout Fund Seed Award, and additional funding followed. Other participating photographers are Noah Addis, Nina Berman, Scott Goldsmith, Lynn Johnson and Martha Rial, a stellar cast of regularly exhibited and published veterans. Among them are a Pulitzer Prize winner, a Whitney Museum of American Art exhibitor, a National Academy of Science honoree and an Open Society Institute Documentary Fund awardee. Their imagery has appeared in venues as diverse as National Geographic, The Museum of Modern Art, Oxford, the Wall Street Journal, CNN, the BBC and Life's Year in Pictures.

Bruce Dixon lawyer: Fitzgerald endangered public health by firing him Allegheny County Executive Rich Fitzgerald threatened public health across Pennsylvania when he arranged the firing of Bruce Dixon, the longtime director of the county health department, Dr. Dixon's lawyer alleged Monday. Attorney Virginia Cook made the claim as she answered county objections to the wrongful termination lawsuit her client filed against Mr. Fitzgerald, the county and the health board. She wants the court to reinstate Dr. Dixon, 73, whose 20-year tenure as director was ended March 7 by what she said was an illegal vote of the board. Common Pleas Judge Christine Ward heard arguments from Ms. Cook and from assistant county solicitor George Janocsko for almost two hours. "I have a lot of questions, but none that you can answer," she told the lawyers as she wrapped up the session. Elected officials have broad powers to set policy, Ms. Cook said. Mr. Fitzgerald overstepped his authority when he asked five members of the board of health to sign undated resignation letters, she said. Those letters could be used to remove any board member who did something the county executive opposed. His attitude was, "I'll run everything, because I am the county executive," Ms. Cook said.

West Nile spray pesticides carry several warnings Etofenprox, the mosquito-killing pesticide that Allegheny County sprayed along roadways this summer to combat the spread of West Nile virus, is widely used and considered safe by many municipalities. That doesn't mean it comes with no warnings. Here are the precautions on the material safety data sheet for Zenivex E20, the trade name for etofenprox:

West Nile virus claims no victims in Pittsburgh region The first freeze of the season earlier this month in the region has killed off mosquito populations carrying the West Nile virus.

PITTSBURGH TRIBUNE REVIEW

Environmental groups press DEP to rescind policy on reporting contamination Pennsylvania is risking the health and welfare of its residents by requiring extra administrative oversight before giving water contamination notices to citizens, 14 groups wrote in a letter to Gov. Tom Corbett they released on Tuesday. The Department of Environmental Protection asked regional offices in September to alert senior officials in Harrisburg about any public notices of shale gas-related water contamination, according to the letter, which asked the governor to rescind the policy. Officials from environmental and anti-drilling activist groups signed the letter warning that the policy would delay public protection from foul water and undermine the agency's credibility. DEP said it has not received a copy of the letter from the group, though reporters shared it with agency officials. "When contamination is discovered, it is crucial that these notices be issued without delay and be based only on scientific information," wrote Deborah Goldberg, managing attorney at New York-based Earthjustice, who authored the letter. "The additional bureaucratic procedure will add no credibility to the determination whether the residents' water is contaminated, but it will slow the delivery of essential information that should be transmitted as quickly as possible to protect the health of residents who use the water." The new notification for senior officials won't create any such delays, said Kevin Sunday, spokesman for the DEP in Harrisburg. Agency workers stay "in continuous communication" with homeowners throughout every investigation, providing water sample test results to homeowners as they come in, he said. That won't change. "It is unreasonable to assert that DEP management should not be aware of these matters, and it would be bad management for them not to be," Sunday wrote in an emailed response to the letter. "The results of our investigations inform our determinations and we stand firmly behind our decision to apprise senior management of what these determination letters contain." Officials who

signed the letter represent groups that include the Sierra Club's Pennsylvania chapter, Clean Water Action, Three Rivers Waterkeeper, Marcellus Outreach Butler and the Saltlick-based Mountain Watershed Association, among others.

Pitt experts say federal research cutbacks contribute to waste The federal government could waste millions of research dollars on such things as preventing terror attacks and disease outbreaks because of recent funding cuts, experts said ahead of a national conference at the University of Pittsburgh this week. Pitt lost about \$1.2 million and cut 10 researchers from its emergency preparedness programs because of federal cutbacks, said Margaret A. Potter, professor of health policy and management. Her work is part of a national effort since 1999 to bolster emergency preparedness, but that first generation of research will be hard to implement if the federal government continues cutting such programs, experts said. About \$900 million was cut from disaster preparedness funding in fiscal 2011, some of that in research, according to a memo from Columbia University researchers. "I think it's terrible. I think it's cutting in one of the areas where we can least afford cuts," said William Banks, director of the Institute for National Security and Counterterrorism at Syracuse University, which is not affiliated with any of Pitt's programs. Federal disaster preparedness research programs at Pitt get about \$400,000 in direct federal funding plus a share of another \$2 million in federal funds designated for its Models of Infectious Disease Agents Study (MIDAS) National Center of Excellence. The center is hosting a conference that began Monday and continues through Wednesday for researchers and policymakers to consider the future of research for public health systems' emergency planning.

Claims filed in asphalt spill on Pennsylvania Turnpike hit \$1.7 million. The value of claims filed as a result of an asphalt spill on the Pennsylvania Turnpike last year has more than doubled to \$1.7 million since June. Attorney Thomas Frampton, the court-appointed special master for the case in U.S. District Court in Pittsburgh, has received 616 damage claims from those affected by the spill and/or their insurance carriers, he wrote in a status report released on Tuesday. As of June 27, the date of his first status report, he had received 217 claims worth \$670,000, said Frampton, who is with the law firm Goehring, Rutter & Boehm, Downtown. As a special master, Frampton is tasked with collecting damage claims, recommending how they should be paid and presenting status reports to the court every 120 days. None of the claims has been paid, he said. "We don't have the final number of claims yet, and we don't know exactly what the pool of money is yet," he said. On Nov. 22, 2011, a truck owned by MTS Transport LLC of Stevensville, Md., deposited a sticky asphalt flux over a 40-mile stretch of the eastbound side of the turnpike between the New Castle and Allegheny Valley exits.

Indiana County printing plant sustains 'tens of millions' in damage in blaze Damage is expected to reach the "tens of millions" of dollars after fire gutted a major commercial printing operation in Indiana County Tuesday, according to fire officials. The fire severely damaged the Creps United Publications printing plant just east of Indiana Borough in White Township. Plumes of smoke, swirling with charred bits of paper, could be seen several miles away from the factory at the corner of Christy Park Drive and Philadelphia Street. The smoke remained visible around Indiana Tuesday afternoon following the blaze that broke out at 8:30 a.m. The 75,000-square-foot facility manufactured retail advertising inserts and brochures for newspapers and commercial publications across the country. "Thank goodness, none of our employees were hurt. It hits you like a ton of bricks. ... it's really tough," said managing partner Jacob Creps. Creps' late father, John, and his uncles, James and E. Garson Creps, founded the company in 1948. The business evolved from the printing and distribution of insurance pamphlets and "Penny Savers" out of the basement of a family home on Chestnut Street in Indiana and included the publication of the "Indiana Countian," a weekly newspaper, according to founder E. Garson Creps' 2008 obituary, which appeared in the Indiana Gazette.

<u>Cleanup campaigns sources of pride for towns, volunteers</u> Weekend cleanups allowed area residents to show pride in their communities, with some receiving a little help from outside volunteers. On Saturday, McKeesporters worked in ...

CSX looks to build rail and truck terminal in Allegheny Railroad giant CSX narrowed its search for a location to

build a major \$50 million train and truck terminal to two sites in Western Pennsylvania, ...

Water rates in Harrison expected to stay the same for third consecutive year Water rates in Harrison are expected to stay the same for the third consecutive year. The township water authority's preliminary budget was presented on Monday ...

WPXI-TV 11 PITTSBURGH

<u>Target 11 investigates new Marcellus Shale Rail Line PITTSBURGH</u>—Brian Cornali and his wife moved to rural Mount Pleasant Township in Washington County for the peace and quiet. Now, a decade later, their tranquility has been shattered by the sound of screeching train wheels and whistles. Cornali told Target 11 Investigator Rick Earle that he never imagined that a train would be running right through the middle of his 53 acres. With the Marcellus Shale gas boom, Markwest built a 4 1/2 mile rail line to haul liquid natural gases, including propane and butane from its Houston processing plant to locations all over the country.

Years ago a rail line that carried coal through the area, but that was pulled up quite a while back. The rail right of way was overgrown with trees, weeds and brush. Some residents said they didn't know there was ever a railroad in that location. Two years ago, Markwest told residents they planned to resurrect the old rail line. The first trains began running on the a couple months ago. Residents said they were told the trains would run during the day, but they said they came in the middle of the night, startling them out of bed. Ralph and Barb Battista live less than 50 feet from the new rail line. They moved here when the old coal line operated, but they said it wasn't as loud. Earle asked them to describe life with the trains running. "Noisy. I can't sleep at night, and they blow that horn five times," said Barb Battista, who captured the late night excursion with her home video camera. "I just wish they had would have come to me and been a little more sympathetic with me too. I live here. You don't," Ralph Battista told Target 11. Neighbors said their calls for help went unanswered. "I've made calls about trains running through the middle of the night, and those weren't returned in most cases," said Cornali.

WASHINGTON OBSERVER-REPORTER

Senate bill would ease use of mine water in drilling A bill that provides liability protection for natural gas drilling companies using abandoned mine water for hydraulic fracturing has passed the state Senate. Senate Bill 1346, sponsored by Sen. Richard A. Kasunic, D-Fayette County, was approved unanimously last week. According to the state Department of Environmental Protection, acid mine drainage flows out of abandoned mines at a rate of 300 million gallons a day, affecting 5,500 of the state's 86,000 miles of waterways. "It is unquestionably the largest legacy environmental issue we face as a state, so any measure that would support the trust funds and costs of treating the water, while providing a nonfreshwater source for the active drilling industry, is clearly a winwin," said Kevin Sunday, a DEP spokesman. Will Dando, Kasunic's spokesman, said acid mine water is a \$5 billion problem in Pennsylvania. The state, Dando noted, does not have enough money to clean up the problem and needs the help of private investment. However, because the bill was not considered by the House before the Legislature adjourned its session, it will have to be reintroduced after the new year. Although interest in using abandoned mine water by gas extraction companies had been raised previously, the industry feared liability for water beyond that which was needed for hydraulic fracturing. Dando said the industry did not want to be perpetually treating the water. The Senate bill provides those liability protections should the water be used for oil and gas drilling. Natural gas drilling in the Marcellus Shale requires anywhere from 3 million to 5 million gallons of water per well site. Coal mine water is typically acidic and includes total dissolved solids, iron, aluminum, sulfates, manganese and barium. The possibility of using alternative nonfreshwater sources for gas drilling had been recommended in the Governor's Marcellus Shale Advisory Commission's final report in July. Aimee Curtright, who authored a RAND Corp. report, said as the gas industry began recycling its frackwater, it questioned the use of industrial wastewater. But the state's Clean Streams Law discourages use of the water by placing open-ended liability on acid mine water use. The DEP began studying the use of acid mine water last year. It has issued a draft, but its final report has not been released.

MAINLINE MEDIA NEWS

Quakers protest banks support of mountain top mining (with video) Activists with Earth Quaker Action Team

protested mountaintop removal mining operations at the Narberth branch of PNC Bank on Saturday. Protesters walked into the Montgomery Ave. bank shortly before 11 a.m. and presented samples of West Virginia drinking water, which they said is contaminated with cancer-causing metal and toxic runoff. The protestors said the bank investments in coal companies that are responsible for the mining practice. According to the group PNC Bank is one of the nations two largest financiers of mountaintop removal. The bank manager asked the protesters to leave the bank and they did. Narberth and Lower Merion police monitored the scene. Protesters left after 30 minutes. There were no arrests.

HARRISBURG PATRIOT NEWS

Plans to demolish the old chocolate factory draws quick action from supervisors The Hershey Co.'s plans to demolish a part of the old factory won't go unchallenged. Derry Township supervisors Chairman Christopher Abruzzo and Vice Chairwoman Kelly Fedeli announced at Tuesday night's public meeting that they plan to meet with company executives Wednesday morning to "dialogue about the situation." Township residents, such as Richard Gamble, feel as though the town's history — and tax revenue — could be demolished along with the buildings. He referenced Hershey's former tea house, women's club, golf course and ballroom — all gone, and nothing to replace them. "I'm concerned about the way Hershey does business in this town," Gamble said at the supervisors meeting. Abruzzo said he hopes the company will postpone its plans for land development until an informational session with the public can be held and concerns can be heard.

SCRANTON TIMES-TRIBUNE

<u>Dimock families' appeal of state methane fix ends</u> A legal challenge to the state's remedies for Dimock Twp.'s methane-tainted water supplies ended late last week after an attorney for the protesting families withdrew their appeals. Eleven families appealed the state Department of Environmental Protection's December 2010 settlement with Cabot Oil & Gas Corp., the natural gas driller found responsible for contaminating 18 Dimock water wells with gas. The families argued to the state Environmental Hearing Board that the fix outlined in the settlement methane-removal systems and payments of between \$50,000 and \$350,000 to the affected homeowners - did not meet the legal standard for permanently restoring or replacing their damaged water supplies. That appeal was later merged with a second one challenging the department's October 2011 decision to allow Cabot to stop delivering replacement water to their homes. Eight of the families withdrew their appeals on Oct. 1 - an expected move because they had recently settled a related federal lawsuit against Cabot that simultaneously resolved their hearing board appeals. The remaining three families "voluntarily" withdrew their appeals on Thursday, according to a notice filed by their lawyer, and Judge Bernard A. Labuskes Jr. issued an order closing the case. But two of those families have not settled the federal lawsuit, in part because they wanted to preserve their right to pursue the Environmental Hearing Board case. One of the affected residents said he was "shocked" to learn that his hearing board appeal was dropped on Thursday and that it had been withdrawn without his consent. "I wanted that case to be heard," Scott Ely said, adding that he plans to write to Judge Labuskes to report that the filing was inaccurate. Tate Kunkle, the families' lawyer who filed the withdrawal notice, said Monday, "We're working diligently to resolve his case." According to the hearing board's rules, it is possible to file a motion to "withdraw' a withdrawal" but it is "unlikely to be granted absent compelling circumstances."

WILKES-BARRE TIMES LEADE

Nuangola to close on \$5.5M sewer loan NUANGOLA – The sewer authority announced at Monday night's meeting that a loan closing on \$5.5 million in working capital for the new sewage system is set for noon Wednesday at the Wilkes-Barre office of authority solicitor Robert Gonos. Fulton Bank of Lancaster will provide the funding at what Gonos said would be at a fixed interest rate of 3.05 percent. The money will enable the authority to make payments to its contractors, engineers and legal advisor until \$10 million in loans and grants are received from the U.S. Department of Agriculture, Rural Development Division. David Pekar, authority chairman, said the USDA package will become available 24 months after the project has begun. The closing process also will include payment of \$300,000 obtained from Citizens' Bank as part of a \$800,000 line of credit that dates back to 2008. Borough council has been making interest payments on this loan. The other aspect of Monday's announcement is that

Wexcon Inc. is scheduled to begin work within the borough on Nov. 1. Wexcon recently submitted an invoice to the authority for \$79,300, which its officials state is to pay for material purchases and to mobilize equipment on site before project start. The only potential hitch in this schedule, Gonos said, is finalizing a highway occupancy permit with Luzerne County. Through the Quad3 Group, application has been filed and the permit fee remitted, but, Gonos said, the county has yet to issue the permit. On Oct. 8, Rich Kresge, project engineer, responded to four items of concern raised by Joe Gibbons, county engineer, with regard to Blythburn Road. Gibbons said an official response was required before issuing a permit. Kresge said all of the issues were addressed previously and forwarded to Gibbons, but he permit is still pending..

POCONO RECORD

Monroe County streams found with fecal contamination Thought our waters were clean? One recently tested Monroe County stream had 85 times more waste than is allowed by the state. Other sites were found to be contaminated with fecal coliform, according to a state-funded water sampling program conducted this summer by the Brodhead Watershed Association. The worst site in the watershed was Forest Hills Run, which runs through Mount Pocono and Paradise Township. Testing of one sample showed 17,000 coliform-forming units per 100 milliliters of water. Four other samples exceeded the standard for swimming or other water activities. The maximum fecal coliform count allowed by state regulation from May 1 to Sept. 30 is 200 units per 100 milliliters of water. The rest of the year, the maximum permitted is 2,000 units per 100 ml. The Brodhead itself, at Glen Park in Stroudsburg, exceeded state limits, where seven of 10 samples were in excess of the maximum acceptable fecal waste levels. Fecal coliform bacteria are nondisease-causing organisms found in the intestinal tract of all warmblooded animals, according to the association. While fecal coliform bacteria do not cause disease, its presence means human or animal fecal waste is in the water, and the waste may potentially contain disease-causing pathogens. The results have already been forwarded to the state. They are also being sent to the affected municipalities, with suggestions for additional testing, according to the watershed association. The cleanest results came from the Pocono Creek watershed, where no samples exceeded the standard for swimming. Swiftwater Creek above and below Lake Swiftwater also met the swimming standard all summer.

WILKES-BARRE CITIZENS VOICE

City fined nearly \$26,000 for not logging fuel The Pennsylvania Department of Revenue fined Wilkes-Barre \$25,919 in August because it couldn't account for more than 67,000 gallons of fuel over a two-year period, according to documents released by the city Monday. The department compared the city's handwritten logs required to be filled each time fuel is taken from the city's pump with receipts detailing how much fuel the city actually bought from its supplier. Between July 2010 and June 2012, 67,166 gallons of gasoline and diesel fuel taken from city's reserves at the Department of Public Works facility were not documented on the handwritten logs. The Department of Revenue charged the city for back taxes, late penalties and interest for the fuel. Although the city is not required to pay taxes on gas it uses for city services, the department taxed the city because it could not prove who took the fuel or for what purpose it was used. DOR in July opened its investigation into 18,000 gallons of fuel taken from city's reserves without documentation. Luzerne County District Attorney Stefanie Salavantis also opened an investigation into the matter the same month. Salavantis did not return calls seeking comment Monday. but city attorney Tim Henry said the investigation is still pending. DOR's investigation was solely a taxation issue, Henry said. While DOR's findings have no criminal repercussions, Henry said Salavantis' could. Mayor Tom Leighton admitted in July to pumping the city's gas into his personal vehicle without using the handwritten logs. Although the city's policy allowed him to use the gas for city business, his actions were part of a larger lapse in record keeping that cost the city \$26,000 in August, when the city paid the fine. McLaughlin said the money came from the general fund, which currently faces a multimillion-dollar deficit that has led to voluntary furloughs and possible layoffs for the city's nearly 300 employees.

WARREN TIMES-OBSERVER

Meeting on wells planned in Bear Lake A public information meeting will be held on the proposed injection wells in Columbus Township at 7 p.m. Wednesday at the Bear Lake Fire Hall. The U.S. Environmental Protection

Agency gave notice of proposal to issue final permits to Bear Lake Properties to operate two Class II injection wells "used for the disposal of produced fluids (brine) associated with oil and gas production activities..." in Columbus Township in September. Bear Lake Properties was given permission to inject waste water from drilling into a depleted gas zone within the Medina Formation at a depth between 4,200 and 4,300 feet. Bear Lake Properties President Karl Kimmich said the meeting is being held in response to several letters written by the company offering to hold informational meetings. "We would like to provide information regarding the underground disposal of brine in general and our project in particular. We also plan to discuss the strict regulatory environment under which we will operate," Kimmich said. "We believe that there is a tremendous amount of misinformation regarding this project being disseminated by a few local individuals who are portraying themselves as highly knowledgeable regarding this process." Kimmich said the company has met with county and local officials, several residents and has offered to meet with interested parties since the project started nearly two years ago. Residents opposed to the plans have held two protests near the site of the wells in the last two months.

JOHNSTOWN TRIBUNE DEMOCRAT

Government grant funds training for Marcellus workers SEVEN SPRINGS — The training needed for entry level positions in the shale-gas industry has turned out thousands of workers during the past three years. Attention now is being turned to offering higher levels of training, officials said Monday. The demand for workers is so great that training facilities in southwest and northeast Pennsylvania, along with facilities in the southwestern U.S. and other areas, are receiving just less than \$15 million from the federal Department of Labor, the man who wrote the grant application said. "There's just so much good news with this," said Larry Michael, assistant vice president for work force development at Penn College of Technology of Williamsport. "We received \$14.9 million." The grant is coming from a \$500 million federal pot of money to cover a wide variety of job-training programs nationwide. During an interview with The Tribune-Democrat, Michael said this grant will pay for training of thousands of workers seeking jobs in the Marcellus and Utica shale plays. Michael is at Seven Springs through Wednesday as part of the annual ShaleNet Workforce Forum now in its fouth year. The initiative, which focuses on training for jobs in the unconventional natural gas industry in the northeastern and southwestern ends of the state was initially funded by a \$4.95 million grant, with the goal of bringing laborer-level workers to the well sites. With the second grant, three times the amount of the first, training will now be provided for higher level workers, turning out men and women who, with one-year or two-year degrees, can serve as well-site technicians and mechanics or handle electronics, Michael said.

TOWANDA DAILY REVIEW

Letter: Lawmakers' procrastination causes a flood of problems More that 13 months after severe flooding swept through the Susquehanna River Basin, state lawmakers have swept themselves out of Harrisburg to campaign, without approving flood aid. Tens of millions of dollars worth of road, bridge, sewer and water system repairs will just have to wait until lawmakers get around to funding them. That won't be this year because the current session of the Legislature has ended and there are no more voting days. Under the best of circumstances, funding would not be approved until the beginning of the new session in January. But even that would not accelerate repairs because they would have to wait for the beginning of construction season. And, because some lawmakers favor funding flood repairs as part of the general budget rather than separately, the funding might not be available until July 1, the start of the next fiscal year. This is precedent-setting irresponsibility toward state communities affected by natural disasters. Lawmakers often have appropriated emergency funds to supplement federal assistance since the Hurricane Agnes floods of 1972. The Senate favored a \$150 million recovery bond issue, a form of loan, that is well within the state government's means. House leaders and Gov. Tom Corbett favored an approach that precluded borrowing - which would have been ideal had they followed through on it. The fundamental issue, though, isn't whether the government borrows the money, but whether - and when - the badly needed infrastructure work is completed.

SUNBURY DAILY ITEM

Penn Township farmer proposes 3 barns for 90,000 chickens SELINSGROVE — A local farmer, planning to build three chicken barns for about 90,000 chickens on 23 acres of his land along Route 522, about halfway between Selinsgrove and Kreamer, was grilled by Penn Township Planning Commission members Monday night. Doug Klinger, a grain farmer who overall controls more than 800 acres of farmland, said that he and his family "are grain farmers trying to make a living. And we are doing this because we want to diversify." He said he would be raising five-pound chickens and they would turn over about every six weeks. There are 63 farms that raise chickens for meat in Snyder County, and another 164 farms raise chickens solely for their eggs. Klinger stood before the board, and some neighbors in the audience, and answered questions for more than an hour. One of the neighbors, Sue Sprenkel, lives on Pinebrook Road, with a home and land near the tract on which the chicken barns would be built. "I'm here tonight because I have some concerns about this," she said. "First, I have a lot of streams on my property, and I am very concerned about contamination by waste. And second, odor. Am I going to have to deal with the odor that this many chickens will produce?" Board members said they have the same concerns and asked Klinger to address both issues.

CLARION NEWS

Beaver Township considering sewage treatment options BEAVER TWP. The major question facing the Beaver Township Sewage Authority is whether it will build its own treatment plant or send its sewage to a Knox Borough treatment facility. At the authority's Oct. 12 meeting, engineer Marty English provided authority members with several documents indicating estimated costs for both options.

SOMERSET DAILY AMERICAN

Somerset Borough moves forward with water line improvement project Somerset Borough Council made a move that should improve water quality and flow for residents during their monthly meeting Monday. "The reason behind it is essentially to provide improved service and to continue to provide improved service," borough Manager Benedict G. Vinzani Jr. said after the meeting. The water improvement project requires a \$1.95 million loan from the Pennsylvania Infrastructure and Investment Authority. The project will add a 12-inch water line loop to the existing dead end line and a 1 million gallon water tank near Somerset Hospital, according to engineer Tom Reilly of The EADS Group. The loop will be near the industrial park. He said the loop will provide a redundant source of water to the borough so that residents can have access to water in case of water line breaks and other incidents. "It's good engineering practice to loop lines as much as possible, particularly for transmission lines," he said. The new tank will replace one that was built in the 1950s. The PennVEST loan is equal to the estimated project cost, solicitor Jack Dirienzo said. Bids have come in at our below the projected cost. The loan agreement states that the \$1.95 million will be paid back during 20 years. For the first three months, during construction of the pipeline, the borough will only be required to pay interest, according to Dirienzo.

ELLWOOD CITY LEDGER

Gas glut may be good for cracker plant The reasons for Shell to move into Beaver County keep piling up. The Marcellus boom has brought with it a gas glut, bringing natural gas prices to near-record lows. The price of natural gas, experts say, has fallen more than 60 percent since summer 2008. While this isn't good for drilling companies and their investors, it's great for those companies that rely on natural gas to produce their products. These companies include Shell Chemical Co., which would use ethane to make polyurethane resin beads at the proposed ethane cracker plant in Potter Township. These beads are used by other companies — downstream companies — to create various plastic products, such as diapers, pool liners, plastic bottles, laundry detergent and antifreeze. "This is very encouraging for residential customers, manufacturing customers and the petrochemical industry, because their energy prices will be so low, their feedstock prices will be so low that it will make (western Pennsylvania) more competitive to the petrochemical industry all over the world," said Rep. Jim Christiana (R-15, Beaver.) Feedstock, he said, is the main resource a company uses to create its products. For example, if you are producing electricity, your feedstock is coal; if you are producing steel, your feedstock is iron ore. According to Christiana, it is estimated that the proposed cracker plant in Potter Township would use 80,000 barrels of ethane daily to produce these resin beads. "They (would be) buying a lot of ethane at a record low price in order to make their product," he

said. "A low feedstock price means they can make their product a lot more inexpensively."

GANT DAILY

Corbett Announces \$79 Million Investment in Water Infrastructure ...

HARRISBURG – Gov. Tom Corbett has announced the investment of \$79 million in 27 non-point source, drinking water, and wastewater projects in 16 counties through the Pennsylvania Infrastructure Investment Authority. "Today's funding approvals bring PENNVEST's total assistance over its 24 year history past the \$7 billion mark, a landmark achievement for this program and for the state as a whole," Corbett said. "I am fully committed to continuing and expanding this effort to bring clean water and sustainable jobs to the citizens of Pennsylvania, both now and in the future." Also notable is that this was the first Board of Directors meeting for five new governor appointees to the board: William Sasso (Chair), M. Joel Bolstein, Donald Gennuso, Bruce Hottle and Jan Rea. This was also the last board meeting for Representative Camille ("Bud") George, who has served on the Board since its inception in 1988. Of the \$79 million total awards, \$69 million is for low-interest loans and \$10 million is offered as grants. The awards range from a \$100,287 loan to construct waste handling facilities that will reduce nutrient runoff into a stream in Chester County, to a \$12.8 million loan/grant combination for a project in Blair County that will both reduce nutrient discharges to the Chesapeake Bay as well as eliminate the use of malfunctioning on-lot septic systems that are contaminating local drinking water wells.

LANCASTER NEWSPAPERS

Commentary: Put the 'win' into windfall If a check for \$447,000 fell into your lap, you'd probably dance a jig. Then you'd happily think about how to spend it. Lancaster County suddenly finds itself in just that position. The state's new impact fee on 4,300 natural gas wells in the Marcellus Shale region last year raised \$204 million, and Lancaster County has learned its share will be \$440,697.50. The law says the money must go toward greenways, trails, open space and nature preserves. So, no, we can't book LMFAO and throw a big party. Sorry. But we can ask the county commissioners to spend the windfall wisely. In fact, we should insist upon it. We should expect them to invest in open space and other green infrastructure projects that will endure. The good news is this year's impact fee is not one-time money. The revenue will continue to trickle into Lancaster County for years. So what that offers is an opportunity to think big. And we can do that best by coming up with a thoughtful process that leads to smart decisions about how to use the gift of shale impact fees to create a legacy that makes us proud. In Lancaster County that should mean rescuing waterways from pollution and protecting open spaces from irrational development

PLAN PHILLY

SEPTA to repower locomotive engine, reduce fuel consumption and emissions Residents near Wayne Junction Station will breathe easier thanks to a SEPTA project to replace the outdated diesel engine on a 1950s-era locomotive with a new, fuel-efficient engine and emissions reducing diesel particulate filter [DPF]. The engine replacement, or repower, and DPF could save the locomotive, one of six SEPTA uses for maintenance and repair, as much as 6,278 gallons of fuel annually, as well as cut nitrogen oxide emissions and reduce overall particulate matter [PM] emissions by up to 90 percent. The project received a \$1.2 million Diesel Emissions Reduction Act grant through the Environmental Protection Agency, and could be completed in the summer of 2013. The repower will strip the locomotive almost to chassis level and replace the former engine with two generator set engines, or "GenSet" which turn a generator, and a DPF, an exhaust after-treatment that significantly reduces emissions. The repower will bring the locomotive from Tier 0 EPA emissions standards to Tier 3 off-road vehicle standards. The "GenSet" technology allows more precise control of the engines so that they can be stopped and started as necessary. This allows one engine to be turned off or power to be balanced more efficiently between the two. It also means that if one engine is offline for repairs or maintenance, the locomotive can still run. Bill Jones, of the EPA's Region 3 which includes Pennsylvania, said the difference in air quality will be visible to the naked eye. With a 90 percent PM emissions reduction, "what's coming out of the stack is going to be noticeably different," he said. Each dollar invested in diesel emission reduction yields \$10 to \$20 in benefits, Jones said, and the community around Wavne Junction Station, where this locomotive is primarily kept, will notice those human and environmental health benefits. The repower also has the potential for significant fuel savings. Moving from Tier 0 to Tier 3 has an

estimated 40 to 65 percent reduction in fuel consumption. For this locomotive that means an estimated 6,278 gallons in annual fuel savings. Conservative estimates predict the engine will last 10 to 15 years, but Jones said he believes the lifespan will be closer to 15 to 20 years. Given the fuel savings, Jones said projects like this can see a payback in as few as nine years, though he noted this project has the added cost of the DPF. SEPTA received the \$1.2 million DERA grant as part of the FY 2011 grant cycle and initially expected the locomotive to be repowered by mid-2012. Delays in the bidding process have resulted in a project extension. Jones said SEPTA now plans to secure a contract by the end of the calendar year and to complete the repower in the summer of 2013. As more repowers of this kind are done around the country, Jones said, he hopes to see project costs decrease and turnaround times increase. He said he thinks SEPTA will complete more locomotive repowers in the years to come as the project fits into the organization's sustainability efforts. "The more [repowers] we get on the tracks and show that they're working really well, the better."

STATE IMPACT PENNSYLVANIA

Latest Pennsylvania Senate Ad Highlight So-Called "War on Coal" Republican U.S. Senate candidate Tom Smith's new television ad puts energy policy front and center. The commercial blasts Democrat Bob Casey and the Obama Administration for regulations that, in the ad's words, have "forced [coal mines] to close." What the ad doesn't mention: while new federal regulations certainly have made things harder for the coal industry, the real threat is the cheap, abundant natural gas created by the ongoing domestic shale boom. Natural gas is easier to obtain and cheaper to purchase, so more and more power plants are relying on gas instead of coal. Alpha Resources shut down eight mines, including one in Pennsylvania, last month, and PBS Coals laid off a quarter of its workforce in July. Tom Smith is familiar with the coal industry's place in the market: he made millions running a western Pennsylvania coal company, before entering politics this year.

ASSOCIATED PRESS (Pa.)

14 environmental groups ask Pa. to change policy PITTSBURGH - Fourteen environmental groups have asked Gov. Tom Corbett to reverse a recent change in how notifications of possible water pollution related to Marcellus Shale natural gas drilling are handled. The Pittsburgh Post-Gazette (http://bit.ly/RflIwv) reports Tuesday that the 14 groups feel the new policy would delay warning the public of pollution related to oil and gas drilling. The paper says that under the new policy, which went into effect Sept. 14, top department administrators in Harrisburg now decide whether residential water users should receive letters notifying them about problems. In the past, experts in field offices made that decision. The paper says a DEP spokesman declined to comment on the request, which came from the state Sierra Club chapter, Earthjustice, the Delaware Riverkeeper Network, Clean Water Action, and other groups.

WASHINGTON, D.C.

WASHINGTON POST

Are wind turbines making people sick? Or is it all just psychological? Every now and again, a story will pop up in some local newspaper about how the hums and vibrations from nearby wind farms are making people ill. Here's a recent one from Scituate, Massachusetts: "Residents have been complaining about headaches, nausea and sleepless nights caused by the town's new wind turbine near Driftway." And yet, whenever public health researchers look into the issue, they find no evidence that "wind turbine syndrome" is an actual thing. Here's Simon Chapman, a professor of public health at the University of Sydney: "There have now been 17 reviews of the available evidence about wind farms and health, published internationally. These are reviews of all studies, not single pieces of research. Each of these reviews have concluded that wind turbines can annoy a minority of people in their vicinity, but that there is no strong evidence that they make people ill."

DELAWARE

DELAWARE CAPE GAZETTE

Sparks fly in Rehoboth over proposed park Rehoboth Beach — Disagreements over how to move forward with a proposed park honoring sister city Greve in Chianti, Italy, left one Rehoboth Beach commissioner nearly walking out of the commissioners' Oct. 19 meeting. The proposal is to build a "Garden of the Navigators" in the park off Lake Gerar at Olive Avenue and Third Street across from Bad Hair Day. A garden for Rehoboth was established in Greve earlier this year when a delegation from Rehoboth visited the city, and Rehoboth Beach Sister Cities Association wants to have the park ready when the Greve delegation reciprocates the visit Friday, June 21. Commissioner Pat Coluzzi, who has spearheaded the project, said Sister Cities plans to pay 100 percent of the costs and donate the park as a gift to the city. Commissioner Mark Hunker supports the project as a way to beautify – at little to no cost – a park that has fallen into disrepair. He asked for a vote so plans could move forward. Commissioner Stan Mills asked if the commissioners could vote, because the topic was listed on the agenda as an update, with no indication a vote would be taken. The commissioners consulted with city solicitor Glenn Mandalas, who advised them that because of additional scrutiny by the state regarding the Freedom of Information Act, and because the public had no notice a vote was planned, the commissioners should vote on the matter at another date. Hunker called the procrastination by the commissioners shameful, noting the public had been presented plans for the garden on Sept. 21, in addition to a second presentation by Coluzzi Oct. 19. Coluzzi said she was disappointed the commissioners discussed the matter for nearly two hours and were unwilling to take a vote. Hunker then asked for a special meeting to schedule a vote, and then threatened to walk out, although he changed his mind and finished out the meeting. "Waiting another 30 days is shameful," he said. Mayor Sam Cooper offered to have a special meeting before the commissioners' Nov. 5 workshop to take the vote, which the commissioners agreed to. While most of the commissioners support the concept of a park, the details have left some of them at odds.

WEST VIRGINIA

WHEELING INTELLIGENCER

Report: 3.5M Gas Jobs by 2035 WHEELING - Over the next 23 years, natural gas and oil extraction from shale formations like the Marcellus and Utica could support as many as 3.5 million jobs - and lead to \$5.1 trillion in capital expenditures. So states the report released Tuesday by the American Petroleum Institute, the Institute for 21st Century Energy, the American Chemistry Council and the Natural Gas Supply Association." We've known for some time that shale energy is truly a game-changer for America - and now we can prove it," said Karen Harbert, president and chief executive officer of the energy institute. "This new, comprehensive study demonstrates that shale energy is already contributing over \$200 billion to our economy, with much more to come, if policymakers at all levels of government don't stand in the way," she added. In the natural gas field, jobs can be created for those who search property records to sign landowners to leases; those who drill and frack wells; those who process, transport and market the gas streams that come out of the ground; and those construction workers who build the pipeline networks or gas plants, such as ethane crackers. Moreover, these jobs can lead to additional hiring by companies that provide supplies to the gas companies; more hiring at hotels, restaurants and department stores; and numerous other drilling-related jobs. "Polls show Americans' top priority is job creation, and the oil and natural gas industry will be a driver for those new jobs, with nearly three quarters of a million new jobs added over just the next three years," said Jack Gerard, president and chief executive officer of the Washington, D.C.-based API. "The study highlights the extraordinary opportunities we have right here at home to develop our unconventional oil and gas resources and return our economy to a pro-growth engine."

PARKERSBURG NEWS AND SENTINEL

Attorney files C8 injury cases CHARLESTON - The first three West Virginia lawsuits have been filed in Wood County Circuit Court against DuPont alleging personal injury and, in one case, a death allegedly linked to C8 exposure. An independent three-member science panel of epidemiologists was appointed to determine whether there is a probable link between C8 exposure and disease as part of the settlement in a class-action lawsuit brought by residents and former residents of six affected water districts against DuPont Washington Works. DuPont discharged C8 from its plant. The affected water districts that were part of the class-action suit are Little Hocking, Belpre, Lubeck, Tuppers Plains, Pomeroy and Mason County. Also known as perfluorooctanoic acid or PFOA, C8 is a man-made chemical used in manufacturing products including nonstick cookware, protective finishes on carpets and water-resistant clothing. Nearly 70,000 people in the six affected water districts who were part of the lawsuit were tested and had medical histories taken in addition to several other studies including DuPont employees. The two personal injury lawsuits and one wrongful death suit were filed by Charleston attorney Kathy Brown on behalf of individuals who lived in Wood County and surrounding areas. To date, the C8 Science Panel has established probable links between C8 exposure and thyroid disease, ulcerative colitis, kidney cancer, testicular cancer, and pregnancy-induced hypertension. The panel is scheduled to release its final set of findings before the end of this month. The plaintiffs in the three lawsuits are Virginia Morrison who is suing on behalf of her late husband. Separate lawsuits were filed on behalf of Scott Blackwell and Sandra Tennant. The three lawsuits were filed in Wood County Circuit Court on Friday, with DuPont named as the defendant in all civil actions. Blackwell's case has been assigned to Circuit Judge J.D. Beane's court; Tennant's case was assigned to Circuit Judge Robert Waters' division and Morrison's case was assigned to Circuit Judge Jeffrey B. Reed's court. The wrongful death suit was filed by Virginia Morrison on behalf of her husband who reportedly died of injuries related to kidney cancer in 2008. "We lived on DuPont Road for years," Morrison said. "Only this year did we find out that the water we were drinking may have made my husband sick."

C8 Update PARKERSBURG - Litigants who are part of the C8 class-action lawsuit will be receiving notice of their legal rights relating to the probable link reports released by the C8 Science Panel and future medical monitoring. To date, the C8 Science Panel has established probable links between C8 exposure and thyroid disease, ulcerative colitis, kidney cancer, testicular cancer and pregnancy-induced hypertension. The panel is scheduled to release its final set of findings on Oct. 29. During a hearing Tuesday before Wood County Circuit Judge J.D. Beane, plaintiffs attorneys and DuPont counsel Jim Lees presented their objections regarding the proposed notice. After hearing testimony from Dr. Paul Brooks, Beane agreed the most expeditious method would be to allow Brooks and Art Maher to retrieve the database from the court that contains the names and addresses of health project participants, take the database to SW Resources where personnel dealing with the project would be required to sign a confidentiality agreement. Brooks, along with Maher, made up Brookmar, the firm that conducted and coordinated the health project screening more than 70,000 class members. SW Resources would print up the notices and mail them. Brooks said class members were told their information would be kept confidential. He said the database to be used for mailing purposes contains no medical information, which is on a separate database. The format for the notice will be decided at a later time by the court.

BLUEFIELD DAILY TELEGRAPH

Editorial: Endorsement: President of the United States, Republican Mitt Romney The past few years have been far from easy for America. We've been through two wars, and a crippling financial storm known as the Great Recession. Four years ago, millions of Americans were hungry for hope and desperate for change. A youthful candidate by the name of Barack Obama promised that change, appealing to both young and old alike. His experience, and record, was a little lacking in terms of his qualifications to assume the position of commander in chief, but his oratory skills on the campaign trail were undeniable. We took a chance on President Barack Obama despite a number of red flags. For example, he promised to bankrupt coal-fired power plants while on the campaign trail. That's probably why West Virginia overwhelming voted in support of fellow Democrat Hillary Clinton over Obama during the May 2008 primary, and then Republican John McCain in November 2008 — despite the fact that the number of registered Democrats in West Virginia still far outnumber those who are registered Republicans.

Consol to resume coal production in November GRUNDY, Va. — A Southwest Virginia mine idled in September

is expected to resume production in early November. About 400 of the 606 miners who were temporarily laid off in September will return to work at Consol Energy's Buchanan Mine on Nov. 5. Another 190 production and maintenance employees will not return to the Buchanan County mine, Consol spokeswoman Cathy St. Clair said. St. Clair said the company is currently working to reassign those 190 employees, as well as some salaried employees, to other Consol mines. Pittsburgh-based Consol idled the Southwest Virginia mine in early September due to a decline in global steel demand. Both mines produced metallurgical coal, which is used to make steel. St. Clair said the Buchanan Mine typically produces approximately 400,000 tons per month on a seven-day work schedule. However, when operations resume on Nov. 5, the company anticipates that monthly production will only be approximately 293,000 tons per month on a reduced schedule. St. Clair said the mine also will operate on a traditional five-day work schedule instead of the prior seven-day schedule. The Buchanan Mine will have been idled for approximately 60 days come Nov. 5. Area lawmakers, including U.S. Rep. Morgan Griffith, R-Va., blamed the temporary mine shutdown on the Obama administration's so-called war on coal.

ASSOCIATED PRESS (W. Va.)

FEMA OKs storm recovery aid for 16 W.Va. counties CHARLESTON, W.Va. (AP) — Federal disaster assistance is available for residents and business owners in 16 counties hit by a June windstorm. The Federal Emergency Management Agency says the individual assistance can be used to pay for home repairs, rental assistance, disaster-related medical, dental and funeral expenses, and repair or replacement of uninsured personal property. The Small Business Administration is offering low-interest loans to pay for business and residential losses that aren't covered by insurance. The June 29 derecho and subsequent storms left three people dead and more than 680,000 customers without electricity across the state. Gov. Earl Ray Tomblin asked FEMA to add the counties to a federal disaster declaration issued in July. The counties are: Boone, Cabell, Clay, Greenbrier, Jackson, Lincoln, Mason, McDowell, Mercer, Mingo, Monroe, Pocahontas, Roane, Tyler, Webster, and Wood

MARYLAND

BALTIMORE SUN

Shore farm pollution blamed on cows Perdue witness grilled at trial over assertion chickens not source. Cows, rather than chickens, caused the pollution for which an Eastern Shore farm couple and Perdue are being sued, contends a witness for the Salisbury-based poultry company. Charles Hagedorn, a microbiology professor from Virginia Tech, told a federal judge Monday that a small herd of cattle grazing on Alan and Kristin Hudson's farm near Berlin were the sole source of high levels of bacteria and nutrients found in drainage ditches there. These counts - and they are high - came from the cattle," Hagedorn testified. But a lawyer for the Waterkeeper Alliance pressed Hagedorn to acknowledge that manure blown by large ventilation fans out of the Hudsons' two poultry houses could also have reached the ditches, contributing to the pollution. "Anything is possible," Hagedorn said. "I'm just not convinced it was feasible." Hagedorn's testimony came as the second week began of the trial in U.S. District Court of a lawsuit by the Waterkeeper Alliance accusing the Hudsons' and Perdue of polluting a Chesapeake Bay tributary with runoff from the farm's flock of 80,000 Cornish hens. The environmental group contends the poultry company is also liable because the Hudsons were raising the birds under contract to Perdue and that the company controlled virtually every aspect of the operation. Perdue's lawyers have denied the compnay controls the Hudsons' farm. They also contend that runoff of cattle manure, which they say was neither illegal or regulated, was the source of the pollution. Hagedorn said that the Hudsons' herd of about 40 adult cows - not counting about 20 calves that court records indicate also were raised there - would have generated about 3,000 pounds of manure a day. Such large quantities of manure - some of it deposited on the banks of a drainage ditch, according to a photo shown in court - had to be the source of the pollution, Hagedorn said. The microbiologist, called by Perdue as an expert witness, contended that he saw no evidence when he visited the Hudsons' farm that would lead him to believe enough manure could have been tracked out of the poultry houses by vehicles or feet, or

blown out by the large fans, to foul a nearby drainage ditch. But Jane Barrett, director of the University of Maryland environmental law clinic, which is representing the New York-based environmental group, quizzed Hagedorn about a study that measured about 3 1/2 pounds of dust blown daily from a chicken house with a much smaller flock of birds than the Hudsons'. Under her questioning, he acknowledged that extrapolating the study's findings to the 80,000 birds kept on the Shore farm would suggest up to 10 pounds of dust were being blown out of those houses daily.

Hazardous leak closes Bay Bridge for nearly two hours Tuesday Both spans of the Bay Bridge were closed for nearly two hours Tuesday during afternoon rush hour after a propane truck began leaking its contents on the westbound approach on Kent Island. Eastbound traffic backed up to St. Margarent's Road and westbound traffic was stalled as far east as Kent Narrows while emergency crews dealt with the situation. At one point, Maryland Transportation Authority officials urged motorists to seek alternate routes, including Delaware roads. The MdTA closed the bridges about 3:20 p.m., when a white tanker truck began venting a plume of white smoke near the intersection of westbound U.S. 50 and Route 8 in Stevensville. Hazardous materials crews spent more than an hour assessing the situation, their vehicles parked about 100 yards from the tanker. Traffic cameras showed motorists stranded on the eastbound bridge getting out of their cars and peering over the side of the cement barriers. About 4:45 p.m., an emergency vehicle began slowly pushing the tanker, surrounded by other emergency vehicles, along U.S. 50 and out of the way. A hazardous materials crew from the Maryland Department of the Environment applied a temporary plug in the safety valve and secured the load. The truck was escorted across the bridge to Sandy Point State Park, where it was offloaded to another tanker. Eastbound traffic began moving 15 minutes later, followed by westbound traffic at 5:25 p.m.

SALISBURY DAILY TIMES

Sewage plant lawsuit nears trial **SALISBURY** — The legal war over the city's botched sewage treatment plant project may be going before a jury for the first time. A trial between the city and construction manager Construction Dynamics Group is scheduled to begin a week from Thursday in Wicomico County Circuit Court. Neither side has publicly hinted at a settlement. Attorneys for the city are seeking repayment of the nearly \$2.8 million that CDG received from the city over four and a half years, along with interest. If successful, the claim would be the secondlargest to date in the saga. In June, the city settled with the plant's designer, engineering company O'Brien & Gere, for \$10 million instead of the \$75 million originally sought by the city. CDG denies any wrongdoing. The company, which was absorbed by the Netherlands-based Arcadis in 2008, argues in court documents that it tracked progress of the construction, "but not for the work itself." "CDG did not hire the design engineering firm or the construction contractor," attorney Patrick Attridge wrote in a filing Thursday. Further, the company's contract with the city "clearly and unambiguously" put forth that CDG wasn't responsible for design and construction, wrote Attridge, who couldn't be reached for comment Tuesday. When it kicked off in 2005, the \$80 million project was billed as the solution for meeting nitrogen and phosphorus standards for the Chesapeake Bay, but the upgrades failed to meet those requirements, prompting several lawsuits and a recently approved \$54 million redo.CDG also argues that the case should be thrown out because city officials waited too long to ask for their money back. The city failed to seek the money within the three-year statute of limitations on payments, Attridge wrote.

<u>'Eastern Shore is poultry'</u> In the Delmarva region, the industry's economic impact was more than \$7.5 billion in 2011, according to data from the U.S. Poultry & Egg Association and the National Chicken Council.

WJZ-TV BALTIMORE

Ships Caught Illegally Dumping Waste Must Work To Clean Chesapeake Watershed BALTIMORE (WJZ) — Crime may not always pay but sometimes it can pay back—and it's benefitting the Chesapeake Bay watershed. Alex DeMetrick reports ships that illegally dump waste at sea and get caught are helping to clean water in Maryland. A lot of effort, time and expense goes into cleaning Maryland's waterways. Now some of that funding is coming from way off Maryland's coastline when ships get caught illegally dumping waste oil overboard, rather than disposing of it in port, where it costs money. "So there's an incentive for ships to dump this waste oil at sea,"

said US Attorney for Maryland Rod Rosenstein. And a reason for Rosenstein to go after them, provided Coast Guard inspectors find evidence. Two recent cases were made when crew members supplied that proof. "They documented the dumping through videotape they produced themselves," Rosenstein said. The hoses and valves brought convictions and multi-million dollar fines, as well as a restitution fund to help clean the bay: \$1.3 million from illegal dumping to plant the vegetation that absorbs pollutants before they make it into waterways. The money collected from shipping companies convicted of polluting will pay for 10 restoration projects, most upstream from the bay but with the bay very much in mind. "One of the things our fish need is good water quality," said Stephanie Westby, NOAA Restoration Center. NOAA's Restoration Center isn't getting any of the restoration money itself, but likes the idea it's helping clean water. "To improve these upstream habitats, that helps our fish down here in the Chesapeake Bay and of course some of the fish we see and catch spend part of their life cycle up in those fresh waters," Westby said. The whistleblowers who turn in their ships for illegal dumping take some serious risks but can collect rewards in the hundreds of thousands of dollars.

ASSOCIATED PRESS (Md.)

Bay Bridge reopens after hazmat leak ANNAPOLIS, Md. (AP) - The Chesapeake Bay Bridge is open after a hazmat spill prompted its closure. Both spans of the bridge were closed Tuesday about 3:30 p.m. after a tanker truck leaked propane while heading west. Hazmat crews responded and cleared the scene. Cheryl Sparks, a spokeswoman with the Maryland Transportation Authority, says the westbound lanes reopened at 5:15 p.m. and the eastbound lanes reopened at 4:56 p.m. Sparks says there were four-mile backups in both directions at one point during the closure. The eastbound lane was still backed up about two miles early Tuesday evening.

VIRGINIA

NORFOLK VIRGINIAN PILOT

Bay crater was once even greater in size, it appears CARROLLTON, Va.-- The Chesapeake Bay impact crater, an impressive 80-plus miles across, may actually be a little bigger than that. State and federal scientists following up on a water-well permit have determined that the crater disrupted aquifers and left a rocky debris field at least as far south as Carrollton in Isle of Wight County. Significantly, at this location, the disrupted rocks and soil are still able to transport water, which is not the case in most of the crater. The impact crater lies under the Chesapeake Bay and Eastern Shore, as well as parts of Hampton Roads and the peninsulas. It was created some 35 million years ago by a meteor smashing into what was then a shallow sea. The crater, thought to be at least a mile deep, has been filled in over the centuries and is not visible on the surface. "The biggest impact crater in the United States, and the sixth- or seventh-largest in the world, and it's right under your house," said hydrologist Randy McFarland of the U.S. Geological Survey. Water - or the lack of it - is the crater's lasting legacy. The blast destroyed aquifers across the region and trapped saltwater, making it difficult or impossible to drill freshwater wells in many locations. McFarland joined other longtime crater researchers Tuesday at an empty lot in the Ashby subdivision, where 500 feet of core samples revealed that the crater's debris field extends farther southwest than had been mapped before. Hydrologist Scott Bruce of the Virginia Department of Environmental Quality, who is in charge of the coring, said the work revealed that at least one aquifer is missing at the Carrollton location, a result of the crater's traits.

McDonnell seeks ideas for regulatory reform in Va. RICHMOND -- Gov. Bob McDonnell is launching an initiative to identify unnecessary and burdensome regulations in Virginia that can be repealed or reformed. As part of the effort, McDonnell is encouraging residents and stakeholders to submit ideas for regulatory reform through an online portal located at RegReform. Virginia. Gov. The governor also has tasked state agencies to do a comprehensive review of their regulations, repeal regulations that are unnecessary or no longer in use, and reduce regulatory burdens to individuals, businesses and other organizations. Officials say the initiative is an extension of similar efforts McDonnell undertook as attorney general. His task force made more than 300 recommendations to

streamline Virginia's administrative code and reduce regulation.

NEWPORT NEWS DAILY PRESS

VIMS says oysters show disease resistance For decades now, Chesapeake Bay oysters have been ravaged by two diseases that nearly wiped them out. Dermo and MSX and the parasites that cause them are still rampant in highsalinity waters of the bay and its tributaries, but research from the Virginia Institute of Marine Science (VIMS) suggests native oysters are developing a resistance to them. "They're organisms living sort of in an evolutionary space, and they had to develop some resistance or disappear," said Ryan Carnegie, research associate professor at VIMS in Gloucester Point. "We still see some disease, and they still die. But it's just not as bad in the wild oysters that have been exposed as it used to be." The parasite that causes Dermo, also called perkinsus marinus, has probably always been in the bay, Carnegie said, while MSX arrived around 1959, likely from the introduction of the Asian oyster, which has natural resistance to both pathogens. In high-salinity waters —or 15 parts per thousand salt and above — MSX killed up to 95 percent of oysters, while Dermo killed up to 80 percent. The parasites are less robust in low-salinities. But in the last few years, Carnegie said, research shows the annual combined mortality in high-salinity waters has been about 30 percent, despite environmental conditions favorable to the parasites. The pathogens aren't harmful to humans, he said, and affected oysters are safe to eat. Carnegie's research included examining different analyses and studies of native oysters stretching back to the 1950s, looking at trends and incidents of infection within the oyster population. When they compared wild oysters to the domesticated, diseaseresistant ones widely used in aquaculture, he said, they found wild oysters were not substantially sicker.

MISCELLANEOUS

BNA DAILY ENVIRONMENT REPORT

Clean Diesel Company Challenges Greenhouse Gas Rules for Cars, Trucks A clean diesel company filed two lawsuits Oct. 23 challenging the Environmental Protection Agency and Transportation Department's joint fuel economy greenhouse gas emissions standards for passenger vehicles and heavy-duty trucks (Plant Oil Powered Diesel Fuel Systems Inc. v. DOT, D.C. Cir., No. 12-1427, 10/23/12; Plant Oil Powered Diesel Fuel Systems Inc. v. EPA, D.C. Cir., No. 12-1428, 10/23/12). Plant Oil Powered (POP) Diesel Fuel Systems Inc. filed its lawsuits in the U.S. Court of Appeals for the District of Columbia Circuit. In the first lawsuit, POP Diesel is challenging EPA and the National Highway Traffic Safety Administration's denial of the company's administrative petition to reconsider the combined fuel economy and greenhouse gas emissions standards for medium- and heavy-duty trucks.

Obama Campaign Releases Plan on Clean Energy Goals in Second Term President Obama will continue his call for a clean energy standard, increased investment in renewables, and tax incentives for clean energy manufacturers, according to a new jobs plan that looks to a potential second term. The plan also calls for opening millions of acres for the exploration and development of oil and gas resources, including those in the Gulf of Mexico and the Arctic, doubling the fuel economy of cars and light trucks to 54.5 miles per gallon by 2025, and increasing energy efficiency.

Companies Reporting More Negative Impacts From Water-Related Issues Companies are reporting more negative impacts from drought and other water-related issues, says a new report from the Carbon Disclosure Project. But companies are not reporting a large increase in board oversight of water issues and are reporting no increase in informing investors about water risks, the CDP Global Water Report 2012 finds

ASSOCIATED PRESS

WHY IT MATTERS: Clean air and water, but at what price? The issue: Everyone wants clean air and water. But people also want to drive their cars whenever they want and light up a room by flipping a switch. It's a neverending balancing act for government as it tries to protect health and the environment while promoting economic

growth and jobs.

What kind of wine goes with fracking? The hillside vineyards of New York's Finger Lakes region make money producing fine Rieslings and inviting tourists to sip white wine by the water's edge. Now winery owners are worried about the prospect of a grittier kind of economic development: gas drilling. Some grape growers fear that if shale gas drilling, or fracking, is allowed in this region of postcard-perfect hills and crystal-clear lakes, the muddy well sites and rumbling trucks will not only endanger the environment but threaten the Finger Lakes' reputation for pristine beauty. In their view, wine does not pair well with drilling. The Finger Lakes, located about 200 miles northwest of New York City, sit atop the Utica shale formation and on the northern fringe of the Marcellus Shale formation, which is being tapped just across the state line in Pennsylvania through hydraulic fracturing, or fracking. The process involves the injection of huge amounts of chemically treated water into wells and is denounced by many environmentalists as a danger to drinking water supplies. While the upstate New York wine region does not have the cachet of California's famous valleys, it has garnered a global reputation over the past decade for the Rieslings produced in its grape-friendly microclimate. Many of the wineries are small operations and depend heavily on business from tourists, who make their way from vineyard to vineyard along the scenic roads.

GREENWIRE

Candidates spar over energy; climate's a no-show Despite weeks of protests and public campaigns, advocates for a discussion of climate change policy saw their efforts fall short last night when neither President Obama nor GOP presidential nominee Mitt Romney broached the topic at their final debate of the campaign cycle. Obama and Romney met at Lynn University in Boca Raton, Fla., in their third and final matchup last night, in an event largely keyed to foreign policy. Various environment organizations had lobbied for weeks -- submitting petitions, purchasing national television ad time and staging protests at each of the debate sites -- for candidates to be asked to address their positions on climate change science.

House panel to explore EPA work with state regulators A key House subcommittee will again delve into how well U.S. EPA cooperates with state and local governments in implementing the Clean Air Act when Congress returns next month, after the elections. The Energy and Commerce Subcommittee on Energy and Power held two forums on similar topics in July and August, which panel Chairman Ed Whitfield (R-Ky.) has said could help inform legislation to amend the Clean Air Act in the next Congress. The Energy and Commerce subpanel will hold its third go-round Nov. 29. "In my discussions with people both here in D.C. and outside the Beltway, everyone found the first two forums to be helpful in discussing the Clean Air Act," Whitfield said in a statement. "These forums have started a healthy conversation on the act and I have been pleased with the feedback we've received. For that reason, I look forward to welcoming more state, local and tribal experts to share their views on what works well and what doesn't in our efforts to protect our nation's air." The two previous forums included testimony by regulators from blue states and more conservative states, but much of the time was consumed by state regulator criticisms of EPA's working relationship with various states. For example, at the Aug. 2 forum Susana Hildebrand, chief engineer of the Texas Commission on Environmental Quality, talked at length about her agency's interactions with former Region 9 Administrator Al Armendariz (*E&E Daily*, Aug. 3). Armendariz resigned in April amid a Republican outcry over comments that his critics said showed hostility toward energy producers.

Fossil fuel experience expected in Romney nominee With the presidential candidates racing to the finish line two weeks from now, attention in Washington policy circles is turning to who would staff key agencies in the next administration. f Republican challenger Mitt Romney wins, observers expect his Department of Energy would be led by someone with ties to the oil, natural gas or coal industries, following a campaign in which he has accused President Obama of hostility to those fuels. Conservatives also are looking for Romney to tap someone who would rein in DOE's embattled loan guarantee program, which would be the highest-profile piece of any new Energy secretary's portfolio.

BLOOMBERG NEWS

Petitioners Ask Court to Set Deadline for EPA To Finalize Reconsidered Mercury Rule (Tuesday) Energy companies that are developing new coal-fired power plants have asked a federal appeals court to set a deadline by which the Environmental Protection Agency must finalize a rule reconsidering mercury and air toxics standards for new plants (White Stallion Energy Center LLC v. EPA, D.C. Cir., No. 12-1272, motion filed 10/19/12). EPA has said it is on track to issue the final rule by March 2013, but the companies said in an Oct. 19 motion that EPA should be under a court order to ensure it meets the deadline. The March deadline is significant because the companies cannot secure financing to begin construction because the mercury and air toxics standards are so stringent. At the same time, they must begin construction by April 12, 2013, to avoid being subject to unattainable greenhouse gas standards. EPA is reconsidering the mercury and air toxics standards for new plants, following complaints that the mercury limits are so low that they cannot be continuously monitored. Legal challenges in the U.S. Court of Appeals for the District of Columbia Circuit have been put on hold during the administrative reconsideration. In a status report Oct. 12, EPA told the D.C. Circuit that it has made "significant progress" on the proposed reconsidered rule. The agency said it has prepared a draft rulemaking package, and it is working to finish the draft preamble, regulatory text, and technical support documents. It also said it "remains on track" to issue a final rule by March (200 DEN A-1, 10/17/12). However, the industry petitioners said EPA's status report "lends credence to Petitioners' fear that EPA will not act in time." EPA now has five months to complete the rulemaking process. "Given the many administrative steps EPA must climb before it can publish a final rule on reconsideration, EPA's refusal to vacate the unlawful rule in the interim, and now EPA's report of scant progress in the past three months. Petitioners face the real risk that their projects will be regulated into oblivion without any meaningful opportunity for judicial review of EPA's unlawful action," the Oct. 19 motion said.

WALL STREET JOURNAL

Cheap Natural Gas Fuels Growth in Rust Belt

A natural-gas drilling boom in the Marcellus Shale is pushing down manufacturing prices and creating jobs. For the first time in a generation this is giving companies a reason to stay in the U.S.